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as Trustee for the Certificateholders of Banc of  
America Funding 2008-FT1 Trust*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

U.S. BANK, N.A. AS TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF BANC OF  
AMERICA FUNDING 2008-FT1 TRUST,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2008-FT1

Plaintiff,

v.

LV REAL ESTATE STRATEGIC  
INVESTMENT GROUP, LLC SERIES 211, a  
Nevada limited liability company; RAINBOW  
VILLAS CONDOMINIUM ASSOCIATION,  
a Nevada non-profit corporation; and TERRA  
WEST COLLECTIONS GROUP, LLC d/b/a  
Assessment Management Services, a Nevada  
limited-liability company,

Defendants.

Case No.: 2:17-cv-00355-MMD-BNW

**PLAINTIFF'S [PROPOSED] ORDER ON  
MOTIONS FOR SUMMARY JUDGMENT**

Plaintiff U.S. Bank, N.A., As Trustee For The Certificateholders of Banc of America Funding 2008-FT1 Trust, Mortgage Pass-Through Certificates, Series 2008-FT1 (**U.S. Bank**) filed a motion for summary judgment (ECF No. 80), to which Defendant LV Real Estate Strategic Investment Group LLC Series 211 (**LVRES**) responded (ECF No. 88), U.S. Bank replied (ECF No. 92), and Rainbow Villas Condominium Association (**HOA**) filed a joinder (ECF No. 94) to U.S. Bank's reply.

1 The Court has also reviewed Defendant LVRES's motion for summary judgment (ECF No.  
2 81), U.S. Bank's response (ECF No. 90), and LVRES's reply (ECF No. 91).

3 The Court takes judicial notice of certain exhibits attached to Plaintiff U.S. Bank's motion for  
4 summary judgment (ECF No. 80).

5 The Court heard oral arguments on the motions on February 14, 2020. Darren Brenner  
6 appeared for U.S. Bank. Mike Beede appeared for LVRES.

7 Because the loan servicer, Bank of America, tendered payment for the HOA's entire lien in  
8 2009, the senior deed of trust was unaffected by the HOA's eventual foreclosure sale, meaning those  
9 who took title after the HOA foreclosure sale, including LVRES, took title subject to the deed of trust.

10 Accordingly, Plaintiff U.S. Bank's motion for summary judgment (ECF No. 80) is granted in  
11 part to the extent of its request for declaratory relief that the HOA sale did not extinguish the deed of  
12 trust, which deed of trust was recorded with the Clark County Recorder as Instrument No. 20060615-  
13 0004185. Defendant LVRES's motion for summary judgment is denied. The remaining claims are  
14 dismissed as moot.

15 IT IS SO ORDERED.

16 Dated: February 24, 2020



UNITED STATES DISTRICT COURT JUDGE  
Case No.: 2:17-cv-00355-MMD-BNW

17  
18  
19 Submitted by:

20 AKERMAN LLP

21 /s/ Rex D. Garner

22 MELANIE D. MORGAN, ESQ.

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25 *Attorneys for plaintiff U.S. Bank, N.A.,*  
26 *As Trustee For The Certificateholders of*  
27 *Banc of America Funding 2008-FT1 Trust,*  
28 *Mortgage Pass-Through Certificates, Series 2008-FT1*